



1 unlawfully and wrongfully seized by law enforcement officers claiming he had escaped from  
2 prison rather than having been released, and was wrongfully returned to prison incarceration  
3 through and including June 16, 2017, based upon a purported re-calculation of his correct  
4 sentence which was in fact grossly inaccurate. Plaintiff RICHARDSON therefore was wrongfully  
5 incarcerated and deprived of his constitutional rights without due process and in violation of State  
6 and Federal law for a period of 297 days. This was also contrary to authoritative representations  
7 made to Plaintiff in writing by various prison officials in January 2016 that Plaintiff's release date  
8 would indeed be in July 2016, upon which representations Plaintiff justifiably relied.

## 9 **II. JURISDICTION**

10 2. This action is brought pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 12133 and  
11 the statutory and common law of the State of California. Jurisdiction is based upon  
12 28 U.S.C. § 1343 and 29 U.S.C. §§ 794 and 706(8)(B), and the Court's pendent jurisdiction over  
13 the state claims.

## 14 **III. PARTIES**

15 3. Plaintiff TROY RICHARDSON is an African-American man and citizen of  
16 the State of California who resides in San Francisco, California.

17 4. Defendant CALIFORNIA DEPARTMENT OF CORRECTIONS AND  
18 REHABILITATION (hereinafter referred to as "CDCR") is a California state agency that  
19 administers California state prisons, including but not limited to the proper calculation of a prison  
20 inmate's sentence or amended sentence, based upon its rules and regulations regarding various  
21 factors including any sentencing enhancements, "actual time credits" for time actually  
22 incarcerated in prison, and "local conduct credits" for good conduct by the prison inmate while  
23 incarcerated, to ensure that a prisoner does not serve more time in prison than the law requires,  
24 resulting in unlawful overdetention. The CDCR is also responsible for maintaining accurate  
25 records relating to a prison inmate's incarceration sentence to ensure that a prisoner does not serve  
26 more time in prison than the law requires, resulting in unlawful overdetention. The CDCR is also  
27 responsible for maintaining accurate records relating to a prison inmate's incarceration and  
28 CDCR-sanctioned release, to ensure that a prisoner who has already paid his debt to society by

1 serving his allotted sentence in accordance with the applicable sentencing rules and regulations,  
2 and who is then duly released on parole, is not incorrectly branded as an escaped prisoner, subject  
3 to capture and reincarceration, rather than correctly identified as a duly released prisoner who has  
4 served his allotted sentence.

5           5. Defendant SCOTT KERNAN is the agency executive of the CDCR,  
6 commonly referred to as the Secretary of the CDCR. In that capacity, KERNAN at all times  
7 material hereto was and is responsible, among other duties, to ensure that employees of the CDCR  
8 properly calculate a prison inmate's sentence or amended sentence, based upon CDCR rules and  
9 regulations regarding various factors including any sentencing enhancements, "actual time  
10 credits" for time actually incarcerated in prison, and "local conduct credits" for good conduct by  
11 the prison inmate while incarcerated, to ensure that a prisoner does not serve more time in prison  
12 than the law requires, resulting in unlawful overdetection. As Secretary of the CDCR, KERNAN  
13 was and is also responsible to ensure that CDCR employees maintain accurate records relating to  
14 a prison inmate's incarceration sentence so that a prisoner does not serve more time in prison than  
15 the law requires, resulting in unlawful overdetection. As Secretary of the CDCR, KERNAN was  
16 and is also responsible to ensure that CDCR employees maintain accurate records relating to a  
17 prison inmate's incarceration and CDCR-sanctioned release, to ensure that a prisoner who has  
18 already paid his debt to society by serving his allotted sentence in accordance with the applicable  
19 sentencing rules and regulations, and who is then duly released on parole, is not incorrectly  
20 branded as an escaped prisoner, subject to capture and reincarceration, rather than correctly  
21 identified as a duly released prisoner who has served his allotted sentence.

22           6. Defendant SHAWN HATTON at all material times was the Warden of  
23 Salinas Valley State Prison (hereinafter referred to as "SVSP"). In that capacity, HATTON at all  
24 times material hereto was and is responsible, among other duties, to ensure that SVSP staff  
25 properly calculate a prison inmate's sentence or amended sentence, based upon CDCR rules and  
26 regulations regarding various factors including any sentencing enhancements, "actual time  
27 credits" for time actually incarcerated in prison, and "local conduct credits" for good conduct by  
28 the prison inmate while incarcerated, to ensure that a prisoner does not serve more time in prison



1 than the law requires, resulting in unlawful overdetection. As Warden of SVSP, HATTON was  
2 and is also responsible to ensure that SVSP staff maintain accurate records relating to a prison  
3 inmate's incarceration sentence so that a prisoner does not serve more time in prison than the law  
4 requires, resulting in unlawful overdetection. As Warden of SVSP, defendant HATTON was and  
5 is also responsible to ensure that SVSP staff maintain accurate records relating to a prison  
6 inmate's incarceration and CDCR-sanctioned release, to ensure that a prisoner who has already  
7 paid his debt to society by serving his allotted sentence in accordance with the applicable  
8 sentencing rules and regulations, and who is then duly released on parole, is not incorrectly  
9 branded as an escaped prisoner, subject to capture and reincarceration, rather than correctly  
10 identified as a duly released prisoner who has served his allotted sentence.

11           7. Defendant N. MONTOYA (first name unknown) at all material times was  
12 the Case Records Supervisor at SVSP. In that capacity, defendant MONTOYA at all times  
13 material hereto was responsible, among other duties, for ensuring that Plaintiff's, or any other  
14 inmate's, sentence and amended sentence was properly calculated based upon CDCR rules and  
15 regulations regarding factors including sentencing reductions, court credits, "actual time credits"  
16 for time actually incarcerated in prison, and "local conduct credits" for good conduct by Plaintiff,  
17 or other inmates, while incarcerated, to ensure that a prisoner does not serve more time in prison  
18 than the law requires, resulting in unlawful overdetection. As Case Records Supervisor at SVSP,  
19 MONTOYA was and is also responsible to ensure that accurate records were maintained relating  
20 to Plaintiff's, or any other SVSP inmate's, incarceration sentence, so that Plaintiff, or any other  
21 prisoner, does not serve more time in prison than the law requires. As Case Records Supervisor  
22 at SVSP, defendant MONTOYA was and is also responsible for ensuring that SVSP maintained  
23 accurate records relating to Plaintiff's, or any other inmate's, incarceration and CDCR-sanctioned  
24 release, so that a prisoner who has already paid his debt to society by serving his allotted sentence  
25 in accordance with the applicable sentencing rules and regulations, and who is then duly released  
26 on parole, is not incorrectly branded as an escaped prisoner, subject to capture and reincarceration,  
27 rather than correctly identified as a duly released prisoner who has served his allotted sentence.

28           7. Defendant QUINTERO (first name unknown) at all material times was a

1 Correctional Counselor at SVSP. In that capacity, defendant QUINTERO at all times material  
2 hereto was responsible, among other duties, for ensuring that Plaintiff's, or any other inmate's,  
3 sentence and amended sentence was properly calculated based upon CDCR rules and regulations  
4 regarding factors including sentencing reductions, court credits, "actual time credits" for time  
5 actually incarcerated in prison, and "local conduct credits" for good conduct by Plaintiff, or other  
6 inmates, while incarcerated, to ensure that a prisoner does not serve more time in prison than the  
7 law requires, resulting in unlawful overdetention. As a Correctional Counselor at SVSP,  
8 QUINTERO was and is also responsible to ensure that accurate records were maintained relating  
9 to Plaintiff's, or any other SVSP inmate's, incarceration sentence, so that Plaintiff, or any other  
10 prisoner, does not serve more time in prison than the law requires. As a Correctional Counselor  
11 at SVSP, defendant QUINTERO was and is also responsible for ensuring that SVSP maintained  
12 accurate records relating to Plaintiff's, or any other inmate's, incarceration and CDCR-sanctioned  
13 release, so that a prisoner who has already paid his debt to society by serving his allotted sentence  
14 in accordance with the applicable sentencing rules and regulations, and who is then duly released  
15 on parole, is not incorrectly branded as an escaped prisoner, subject to capture and reincarceration,  
16 rather than correctly identified as a duly released prisoner who has served his allotted sentence.

17           9. Defendant RONALD DAVIS at all material times was the Warden of San  
18 Quentin State Prison (hereinafter referred to as "SQSP"). In that capacity, DAVIS at all times  
19 material hereto was and is responsible, among other duties, to ensure that SQSP staff properly  
20 calculate a prison inmate's sentence or amended sentence, based upon CDCR rules and  
21 regulations regarding various factors including any sentencing enhancements, "actual time  
22 credits" for time actually incarcerated in prison, and "local conduct credits" for good conduct by  
23 the prison inmate while incarcerated, to ensure that a prisoner does not serve more time in prison  
24 than the law requires, resulting in unlawful overdetention. As Warden of SQSP, defendant  
25 DAVIS was and is also responsible to ensure that SQSP staff maintain accurate records relating to  
26 a prison inmate's incarceration sentence so that a prisoner does not serve more time in prison than  
27 the law requires, resulting in unlawful overdetention. As Warden of SQSP, defendant DAVIS  
28 was and is also responsible to ensure that SQSP staff maintain accurate records relating to a prison

1 inmate's incarceration and CDCR-sanctioned release, to ensure that a prisoner who has already  
2 paid his debt to society by serving his allotted sentence in accordance with the applicable  
3 sentencing rules and regulations, and who is then duly released on parole, is not incorrectly  
4 branded as an escaped prisoner, subject to capture and reincarceration, rather than correctly  
5 identified as a duly released prisoner who has served his allotted sentence.

6           10. The true names and capacities of Defendants sued herein as DOES 1-25  
7 ("Doe Defendants") are unknown to Plaintiff, who therefore sues said Defendants by such  
8 fictitious names, and Plaintiff will seek leave to amend this complaint to show their true names  
9 and capacities when the same are ascertained. At all material times, each Doe Defendant was an  
10 employee or agent of Defendant CDCR and/or of Defendants HATTON, DAVIS, and  
11 MONTROYA, acting within the course and scope of that employment.

12           11. Plaintiff is informed and believes and thereon alleges that each of the  
13 Defendants sued herein was negligently, wrongfully and otherwise responsible in some manner  
14 for the events and happenings as hereinafter described, and proximately caused injuries and  
15 damages to Plaintiff. Further, one or more Doe Defendants were at all material times responsible  
16 for the hiring, training, supervision, and discipline of other Defendants, and/or directly responsible  
17 for violations of Plaintiff's rights.

18           12. Each individual defendant is sued in his or her individual and official  
19 capacities.

20           13. Plaintiff is informed and believes, and based upon such information and  
21 belief alleges, that each of the defendants was at all material times an agent, servant, employee,  
22 partner, joint venturer, co-conspirator, and/or alter ego of the remaining defendants, and in doing  
23 the things herein alleged, was acting within the course and scope of that relationship. Plaintiff is  
24 further informed and believes, and thereon alleges, that each of the defendants herein gave  
25 consent, aid and assistance to each of the remaining defendants, and ratified and/or authorized the  
26 acts or omissions of each defendant as alleged herein, except as may be hereinafter otherwise  
27 alleged.

28           14. At all material times, each defendant was jointly engaged in tortious

1 activity, resulting in the deprivation of Plaintiff's rights under the United States Constitution and  
2 the laws and Constitution of the State of California, and other harm.

3 15. At all material times, each defendant acted under the color of the laws,  
4 statutes, ordinances and regulations of the State of California, and pursuant to the actual customs,  
5 policies, practices and procedures of the governmental entity by which they were employed or  
6 retained.

7 16. This complaint may be pled in the alternative pursuant to FRCivP 8(d).

#### 8 IV. STATEMENT OF FACTS

9 17. Plaintiff RICHARDSON was originally sentenced on or about May 24,  
10 2012 for a felony conviction for California Penal Code Section 211, 2<sup>nd</sup> degree robbery,  
11 committed in 2011 ("the 2011 2<sup>nd</sup> degree robbery"). On or about June 6, 2012 an Abstract of  
12 Judgment issued regarding Plaintiff's sentence for this penal Code violation (hereinafter referred  
13 to as, "the Original Abstract of Judgment").

14 18. The Original Abstract of Judgment provided, *inter alia*, for a 5-year  
15 sentence for the 2011 2<sup>nd</sup> degree robbery conviction, as well as a 5-year enhancement purportedly  
16 pursuant to Penal Code Section 12022.5(A), regarding enhancements for use of a firearm in the  
17 commission of a felony. However, there is no 5-year enhancement under Section 12022.5 for  
18 commission of a felony using a firearm that is not an "assault weapon" type of firearm, as that  
19 term is used in Section 12022.5(B). The only enhancement applied to Plaintiff's sentence –  
20 Section 12022.5(A), the enhancement specifically referenced in the Original Abstract of Judgment  
21 – are for 3, 4, or 10 years, **not** for 5 years.

22 19. The Original Abstract of Judgment also provided, in pertinent part, that  
23 Plaintiff was required to serve his sentence "at 85%," rather than 100%.

24 20. The Original Abstract of Judgment also provided, in pertinent part, that  
25 Plaintiff would receive credit for time already spent in custody totaling 392 days, based upon  
26 "actual local time" in jail of 212 days, plus "local conduct credits," *i.e.*, "good conduct" credit, of  
27 180 days.

28 21. Subsequently, in or about early 2013, Plaintiff assisted the San Joaquin

1 County District Attorney's Office as a witness testifying on behalf of the prosecution in a separate  
2 murder trial. In exchange for Plaintiff's assistance, he received a reduction in the sentence he was  
3 serving for his conviction for the 2011 2<sup>nd</sup> degree robbery through additional "actual local time"  
4 credits towards his sentence.

5           22. On or about April 22, 2013, an Amended Abstract of Judgment issued  
6 regarding Plaintiff's conviction and sentence (hereinafter referred to as, "the April 2013 Amended  
7 Abstract of Judgment"). The April 2013 Amended Abstract of Judgment provided for the same 5  
8 year sentence for the conviction for the 2011 2<sup>nd</sup> degree robbery and provided for the same,  
9 erroneous, 5-year enhancement under Penal Code Section 12022.5(A), which Section does not in  
10 fact provide for any 5-year enhancement, as noted in paragraph 18 above.

11           23. The April 2013 Amended Abstract of Judgment provided Plaintiff with  
12 "actual local time" credits of 863 days – which was 268 more days of actual time served by  
13 Plaintiff than the total number of days he had in reality actually served leading up to that time: 212  
14 actual time served days, as credited in the original Abstract of Judgment; plus 333 actual time  
15 days of incarceration between the May 24, 2012 date of the Original Abstract of Judgment and the  
16 April 22, 2013 Amended Abstract of Judgment. In other words, following his assistance to the  
17 San Joaquin District attorney, Plaintiff was effectively granted at least a 268-day additional  
18 reduction in his sentence, pursuant to an arrangement with the San Joaquin County District  
19 Attorney's Office.

20           24. The April 2013 Amended Abstract of Judgment also provided "local  
21 conduct credits" of 130 days. Accordingly, as of April 22, 2013, Plaintiff's sentence was deemed  
22 credited with a total of 993 days, which was duly noted on the April 2013 Amended Abstract of  
23 Judgment.

24           25. On or about October 27, 2014, a further amended Abstract of Judgment  
25 issued with regard to Plaintiff's conviction and sentence for the 2011 2<sup>nd</sup> degree robbery, which  
26 further amended Abstract of Judgment continued to stipulate that Plaintiff receive an additional  
27 credit of 863 days, as had been provided for in the April 22, 2013 Amended Abstract of Judgment.  
28 The October 27, 2014 further amended Abstract of Judgment shall be hereinafter referred to as



1 “the October 2014 Amended Abstract of Judgment.”

2           26. On or about December 26, 2014, a still further Amended Abstract of  
3 Judgment regarding Plaintiff’s sentence issued which is hereinafter referred to as “the December  
4 2014 Amended Abstract of Judgment.” The December 2014 Amended Abstract of Judgment  
5 corrected the erroneous firearm enhancement sentence discussed in paragraph 18 above, from a 5-  
6 year enhancement, to a 4-year enhancement, per Section 12022.5(A). Accordingly, the December  
7 2014 Amended Abstract of Judgment effectively reduced Plaintiff’s sentence by one year, or 365  
8 days.

9           27. The December 2014 Amended Abstract of Judgment also specified that as  
10 of that date, Plaintiff had a total of 1,510 total days credit towards time served on his sentence,  
11 being comprised of 1,313 days of “actual local time” served, plus 197 days of “local conduct  
12 credits.”

13           28. In addition, Plaintiff is informed and believes, and thereon alleges, that as  
14 of December 26, 2014, he was also properly entitled under CDCR rules and regulations and  
15 California law to approximately 800 days credit for good conduct, known as “local conduct  
16 credits.”

17           29. On or about January 1, 2016, defendants advised Plaintiff in writing that  
18 they had calculated his release date from SVSP as being July 14, 2016, based upon all applicable  
19 rules and regulations of the CDCR, California law, and the various amended judgments discussed  
20 in paragraphs 17-27, above.

21           30. Plaintiff reasonably and in good faith relied on the statements of defendants  
22 that he would be released on July 14, 2016 in accordance with California law and CDCR rules and  
23 regulations.

24           31. Plaintiff was in fact officially released from SVSP and CDCR custody on  
25 or about July 14, 2016, at which time he was paroled by the CDCR, and assigned a parole officer.  
26 Plaintiff then dutifully performed all his parole obligations, including but not limited to timely  
27 reporting to his parole officer as requested.

28           32. Plaintiff also reasonably relied on the actual conduct of defendants in

1 officially releasing him from SVSP on or about July 14, 2016, representing to him that his release  
2 was in accordance with California law and CDCR rules and regulations, and that he had served  
3 his sentence as required by law after correctly applying all applicable sentencing credits as well as  
4 the reduction in the sentence enhancement from 5 years to 4 years. Plaintiff reasonably and in  
5 good faith relied on defendants' statements and conduct in this regard to reasonably understand  
6 and in good faith believe that he had served his debt to society and completed his prison  
7 incarceration term in accordance with the law, and, assuming successful completion of his post-  
8 incarceration parole, was entitled to enjoy his liberty as a citizen of the United States and the State  
9 of California without further incarceration for the 2011 2<sup>nd</sup> degree robbery.

10           33. Plaintiff did in fact observe and obey all conditions of his post-  
11 incarceration parole as required by the CDCR for as long as he was permitted to do so by  
12 defendants. Following his official release from prison on July 14, 2016, Plaintiff became engaged  
13 to be married, with a wedding date set for October 18, 2016, spent time with his young children,  
14 commenced work, and in all other respects returned to life as a free and productive citizen, in  
15 reliance upon the statements and conduct of defendants in repeatedly advising him that as of July  
16 14, 2017, he had completed his sentence for the 2011 2<sup>nd</sup> degree robbery and could re-commence  
17 his life as a free man.

18           34. However, on or about September 12, 2016, at the direction of various of the  
19 defendants, armed law enforcement officers descended on Plaintiff's residence and seized  
20 Plaintiff under threat of force and intimidation, advising him, incorrectly, that he was a prison  
21 escapee who they were taking back to prison to be re-incarcerated under threat of deadly force.  
22 Plaintiff was afforded neither notice nor an opportunity to be heard regarding defendants'  
23 assertion that he supposedly had escaped and/or that he supposedly had not served his required  
24 prison sentence and must be returned to incarceration and life as a convict.

25           35. Plaintiff was taken on or about September 12, 2016 to San Quentin State  
26 Prison, where he was put in "the hole" and deprived of all privileges, upon the erroneous basis  
27 that Plaintiff was an escaped prisoner, rather than a citizen who had already served his sentence at  
28 SVSP and had been duly and properly released from SVSP in accordance with California law and

1 applicable CDCR rules and regulations, as described in paragraphs 29 through 31 above.

2           36. At all material times, various defendants including but not limited to SQSP  
3 Warden DAVIS and Doe defendants working at SQSP failed to make appropriate inquiries and  
4 required calculations to properly assess the actual status of Plaintiff as a free citizen who had  
5 completed his sentence and had been duly and officially released by CDCR as described in  
6 paragraphs 29 through 31 above, and who was not an escaped prisoner and who should not be  
7 further imprisoned.

8           37. Various defendants including but not limited to SQSP Warden DAVIS and  
9 Doe defendants working at SQSP wrongfully kept Plaintiff imprisoned even though these  
10 defendants knew or should have known that Plaintiff had served his sentence and been duly and  
11 properly officially released from SVSP by the CDCR in July 2016 after serving his sentence in  
12 accordance with the various amended judgments in his case and the CDCR rules and regulations  
13 for accurate calculation of time served and all sentencing credits to which Plaintiff was entitled.

14           38. Plaintiff was later transferred from SQSP back to SVSP on or about  
15 September 16, 2016,, where he was treated as "C Status," meaning as an escaped prisoner, and  
16 deprived of all privileges, again, upon the erroneous basis that Plaintiff was an escaped prisoner,  
17 rather than a citizen who had already served his sentence at SVSP and had been duly and properly  
18 officially released from SVSP in accordance with California law and applicable CDCR rules and  
19 regulations, as described in paragraphs 29 through 31 above.

20           39. At all material times, various defendants including but not limited to SVSP  
21 Warden HATTON, SVSP Corrections Counselor QUINTERO, SVSP Case Records Supervisor  
22 N. MONTOYA, and those Doe defendants working at SVSP, failed to make appropriate inquiries  
23 and required calculations to properly assess the actual status of Plaintiff as a free citizen who had  
24 completed his sentence and been duly and properly released by CDCR as described above in  
25 paragraphs 29 through 31, and who was not an escaped prisoner and who should not be further  
26 imprisoned, nor imprisoned without those privileges afforded those whose conduct has been  
27 exemplary, as had Plaintiff's.

28           40. Various defendants including but not limited to SVSP Warden HATTON,



1 SVSP Corrections Counselor QUINTERO, SVSP Case Records Supervisor N. MONTTOYA, and  
2 the Doe defendants working at SVSP wrongfully kept Plaintiff imprisoned even though these  
3 defendants knew or should have known that Plaintiff had served his sentence and been duly and  
4 properly released by the CDCR in July 2016 after serving his sentence in accordance with the  
5 various amended judgments in his case and the CDCR rules and regulations providing for  
6 accurate calculation of time served and all sentencing credits to which Plaintiff was entitled.

7           41. Plaintiff and his agents repeatedly, verbally and in writing, protested he re-  
8 incarceration and the miscalculation of his sentence and various sentence credits from on or about  
9 September 12, 2016 to June 2017. Plaintiff finally obtained an order of release by Court Order on  
10 June 5, 2017, however, he was not immediately released. Accordingly, Plaintiff was wrongfully  
11 detained and re-incarcerated in prison in violation of State and Federal law from September 12,  
12 2016 to and including June 16, 2017 – a period of 277 days, or 9 months and 4 days. During this  
13 period, Plaintiff was denied privileges to which prisoners of good conduct would be entitled,  
14 including but not limited to enhanced visitation rights, based upon the erroneous and wrongful  
15 presumption that Plaintiff had supposedly escaped prison in July 2016 rather than having been  
16 duly and properly officially released by the CDCR pursuant to an accurate and correct calculation  
17 of Plaintiff's credited days of time spent in custody and other credits to which he was entitled  
18 under California law and the various amended judgments in his case.

19           42. Accordingly, defendants, and each of them, wrongfully imprisoned Plaintiff  
20 for 9 months and 4 days, in violation of State and Federal law, and also in violation of their own  
21 previous calculations that resulted in their representations to Plaintiff that he would be released on  
22 July 14, 2016, and their actual conduct in then actually duly and officially releasing Plaintiff from  
23 SVSP on July 14, 2016.

24           43. On or about November 22, 2016, defendant N. MONTTOYA wrote to  
25 Plaintiff and stated for the first time that, "due to resentencing cases being very complex, your  
26 EPRD ("Earliest Possible Release Date") was calculated erroneously at July 14, 2016, due to an  
27 administrative oversight," and that "after a recalculation CDCR has to return you to custody on  
28 September 12, 2016" – however, as noted, this was written to Plaintiff more than two months



1 after September 12, 2016, on November 22, 2016. On information and belief, Plaintiff alleges  
2 that defendant MONTROYA, and other defendants, knew or should have known that under  
3 California law and CDCR rules and regulations, Plaintiff was properly released on July 17, 2016  
4 and should not have been wrongfully seized and imprisoned again in September 2016. Plaintiff is  
5 informed and believes and thereon alleges that various defendants herein wrongfully sought to  
6 have court records purged to remove the 863 days of credit he received after cooperating with the  
7 San Joaquin District Attorney.

8 44. On or about December 1, 2017, Plaintiff timely and properly caused to be  
9 personally delivered to the California State Government Claims Office a claim for injuries, losses  
10 and damages suffered and incurred by Plaintiff by reason of the above-described occurrences, all  
11 in compliance with the requirements of the California Government Code.

12 45. On or about February 1, 2018, the California Department of General  
13 Services, Government Claims Program ("GCP"), rejected Plaintiff's claim, stating, in pertinent  
14 part, that "the claim involves complex issues that are beyond the scope of analysis and legal  
15 interpretation typically undertaken by GCP." This action is timely filed within all applicable  
16 statutes of limitation.

## 17 V. DAMAGES

18 46. As a direct and proximate result of the acts and omissions of Defendants,  
19 and each of them, Plaintiff sustained damages, in an amount to be determined according to proof,  
20 including but not limited to loss of freedom and incarceration in prison for at least 277 days,  
21 extreme and prejudicial physical and mental mistreatment as a purported "escaped prisoner"  
22 during that period, physical pain and suffering, emotional distress, fear, anxiety, inability to  
23 proceed with his October 2016 wedding to his beloved or to be with his three young children,  
24 humiliation, loss of personal reputation, embarrassment, loss of income, loss of physical liberty,  
25 and the deprivation of his State and Federal Constitutional rights to be free from unreasonable  
26 searches and seizures, to be free from unreasonable and unnecessary uses of force, to be free from  
27 incarceration without due process, and to be free from bodily restraint and harm, as guaranteed by  
28 the First, Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, the

1 California Constitution, and California Civil Code Section 43.

2 47. Plaintiff has incurred and will continue to incur attorney's fees to vindicate  
3 his rights, and thus is entitled to reasonable attorneys' fees according to proof.

4 48. Plaintiff alleges on information and belief that the conduct of the individual  
5 defendants was intentional, reckless and oppressive and was done with the intent of depriving  
6 Plaintiff of his statutory and constitutional rights. The acts of the individual defendants, therefore,  
7 are such that punitive damages should be imposed against them in an amount commensurate with  
8 the wrongfulness alleged herein.

9 **VI. JURY DEMAND**

10 49. Plaintiff hereby demands a jury trial in this case.

11 **FIRST CAUSE OF ACTION**  
12 (Violations of Civil Rights, 42 U.S.C. § 1983)  
(All Defendants)

13 50. Plaintiff hereby realleges paragraphs 1 through 49 of this complaint, as  
14 though set forth fully herein.

15 51. As a direct and proximate result of the individual Defendants' actions and  
16 omissions, Plaintiff was deprived of his rights and privileges under the Fourth Amendment, Fifth  
17 Amendment, Eighth Amendment and the Fourteenth Amendment to the United States  
18 Constitution, and the Constitution and laws of the State of California, including but not limited to  
19 California Civil Code Sections 43, 52.1, and 51.7, as well as common law torts, in that plaintiff  
20 was wrongfully and without proper cause seized and incarcerated in prison in September 2016 and  
21 wrongfully detained there for at least 277 days, without due process and through the unreasonable  
22 use of deadly force, and despite having been previously duly and officially and properly released  
23 from custody by virtue of having completed his required prison sentence.

24 52. Defendants subjected Plaintiff to Defendants' wrongful conduct, depriving  
25 Plaintiff of rights described herein, knowingly, maliciously, and/or with conscious and reckless  
26 disregard for whether the rights and safety of Plaintiff would be violated by their acts and/or  
27 omissions.

28 53. As a direct and proximate result of Defendants' acts and/or omissions as set

1 forth above, Plaintiff sustained injuries and damages as set forth at paragraphs 46 through 48,  
2 above.

3 54. The conduct of Defendants, and each of them, entitles Plaintiff to punitive  
4 damages and penalties allowable under 42 U.S.C. § 1983.

5 55. Plaintiff also claims reasonable costs and attorneys' fees under 42 U.S.C. §  
6 1983 and as allowed by law.

7 **SECOND CAUSE OF ACTION**  
8 (Violation of Civil Rights, 42 U.S.C. § 1983)  
9 (Defendant CDCR, and Does 1-10)

10 56. Plaintiffs hereby reallege paragraphs 1 through 55 of this complaint, as  
11 though set forth fully herein.

12 57. Defendant CDCR and Doe Defendants 1-10, as a matter of policy, practice  
13 and custom, have with deliberate indifference failed to adequately train, instruct, monitor,  
14 supervise or otherwise direct its officers, deputies, and employees, including the individual  
15 Defendants herein, concerning the accurate and correct calculation of prison sentencing credits  
16 and release dates, with deliberate indifference to citizens' and Plaintiff's constitutional rights,  
17 which were thereby violated as described above.

18 58. Plaintiff further alleges on information and belief that his experience is not  
19 unusual or unique, and that Defendant CDCR has demonstrated a pattern of failing to accurately  
20 calculate sentence release dates and resulting overdetention or re-incarceration of prison inmates  
21 who actually should be deemed to have served their sentences, in violation of their constitutional  
22 rights.

23 59. The unconstitutional actions and/or omissions of the Defendants, and each  
24 of them, as described above, were ordered, approved, tolerated, authorized, directed, and/or  
25 ratified by policy making officers for the CDCR and Doe Defendants 1-10.

26 60. As a direct and proximate result of the unconstitutional actions, omissions,  
27 customs, policies practices and procedures of CDCR and Doe Defendants 1-10, Plaintiff  
28 wrongfully suffered loss of liberty for at least 277 days without due process and despite having  
been previously duly and officially and properly released from custody by virtue of having

1 completed his required prison sentence, and Plaintiff as a proximate result also suffered additional  
2 losses as described in paragraphs 46 through 48 above.

3 **THIRD CAUSE OF ACTION**  
4 (Violations of California Civil Code § 52.1)  
(All Defendants)

5 61. Plaintiff hereby realleges paragraphs 1 through 60 of this complaint, as  
6 though set forth fully herein.

7 62. By their acts, omissions, customs, and policies, each Defendant acting in  
8 concert/conspiracy and by threats, intimidation, or coercion, as described above, violated  
9 Plaintiff's rights under California Civil Code §52.1, and the following clearly-established rights  
10 under the United States Constitution, and the laws of the State of California and the California  
11 Constitution:

- 12 a. The right to be free from unreasonable searches and seizures as  
13 secured by the Fourth and Fourteenth Amendments;
- 14 b. The right to be free from incarceration and resulting loss of liberty  
15 without due process;
- 16 c. The right to be free from wrongful government interference in one's  
17 freedom of expression and freedom of association with others, as  
18 secured by the by the First, Fourth, and Fourteenth Amendments;
- 19 d. The right to be free from unlawful and unreasonable seizures of  
20 one's person, including the right to be free from unreasonable or  
21 excessive force, as secured by the California Constitution, Article 1,  
22 Section 13;
- 23 e. The right to be free from wrongful government interference in one's  
24 freedom of expression and freedom of assembly and association  
25 with others, as secured by the California Constitution, Article 1,  
26 Section 2;
- 27 f. The right to protection from bodily restraint, harm, personal insult,  
28 or injury to personal relations, as secured by California Civil Code  
§ 43.

25 63. As a direct and proximate result of each and every Defendants' violations  
26 of California Civil Code §52.1 and of Plaintiff's rights under the United States Constitution and  
27 the laws and Constitution of the State of California, Plaintiff sustained injuries and damages, and  
28 against each and every Defendant is entitled to relief as set forth at paragraphs 46 through 48



above, including punitive damages against the defendants in their individual capacities, including all damages and penalties allowed by California Civil Code §§ 52, 52.1, and California law, including costs, attorneys fees, civil penalties, and punitive damages.

**FOURTH CAUSE OF ACTION**  
(Violations of California Civil Code § 51.7)  
(All Defendants)

64. Plaintiff hereby realleges paragraphs 1 through 63 of this complaint, as though set forth fully herein.

65. By their acts, omissions, customs, and policies, each Defendant acting in concert/conspiracy and by threats, intimidation, or coercion, as described above, and because of Plaintiff's ancestry and race, violated Plaintiff's rights under California Civil Code §51.7, and the following clearly-established rights under the United States Constitution, and the laws of the State of California and the California Constitution:

- a. The right to be free from unreasonable searches and seizures as secured by the Fourth and Fourteenth Amendments;
- b. The right to be free from incarceration and resulting loss of liberty without due process;
- c. The right to be free from wrongful government interference in one's freedom of expression and freedom of association with others, as secured by the by the First, Fourth, and Fourteenth Amendments;
- d. The right to be free from unlawful and unreasonable seizures of one's person, including the right to be free from unreasonable or excessive force, as secured by the California Constitution, Article 1, Section 13;
- e. The right to be free from wrongful government interference in one's freedom of expression and freedom of assembly and association with others, as secured by the California Constitution, Article 1, Section 2;
- f. The right to protection from bodily restraint, harm, personal insult, or injury to personal relations, as secured by California Civil Code § 43.

66. As a direct and proximate result of each and every Defendants' violations of California Civil Code §52.1 and of Plaintiff's rights under the United States Constitution and the laws and Constitution of the State of California, Plaintiff sustained injuries and damages, and

1 against each and every Defendant is entitled to relief as set forth at paragraphs 46 through 48  
 2 above, including punitive damages against the defendants in their individual capacities, including  
 3 all damages and penalties allowed by California Civil Code §§ 52, 52.1, and California law,  
 4 including costs, attorneys fees, civil penalties, and punitive damages.

5 **FIFTH CAUSE OF ACTION**

6 (Negligence)  
 (All Defendants)

7 67. Plaintiff hereby realleges paragraphs 1 through 66 of this complaint as  
 8 though fully set forth herein.

9 68. At all times mentioned herein, defendants, and each of them, owed Plaintiff  
 10 a duty to act with due care in the execution and enforcement of any right, law or legal obligation.

11 69. At all times, each Defendants, and each of them, owed Plaintiff a duty to  
 12 act with reasonable care.

13 70. These general duties of reasonable care and due care owed to Plaintiff by  
 14 all Defendants include but are not limited to the following specific obligations:

- 15 a. to accurately calculate sentencing credits and prison release dates;
- 16 b. to refrain from wrongfully seizing and incarcerating Plaintiff
- 17 without due process, i.e., notice and an opportunity to be heard;
- 18 c. to refrain from conduct that constitutes a substantial factor causing
- 19 the violation of Plaintiff's rights;
- 20 d. to refrain from abusing their authority granted them by law;
- 21 e. to refrain from violating Plaintiff's rights guaranteed by law,
- 22 including but not limited to his right to liberty and to freedom of

23 71. Additionally, these general duties of reasonable care and due care owed to  
 24 Plaintiff by Defendants include but are not limited to the following specific obligations:

- 25 a. to properly and adequately hire, train, supervise, monitor and
- 26 discipline their employees, agents and/or officials to ensure that
- 27 those employees/agents/officers act at all times in the public interest
- 28 and in conformance with law;
- b. to make, enforce, and at all times act in conformance with policies
- and customs that are lawful and protective of individual rights,
- including Plaintiff's;

d. to refrain from making, enforcing, and/or tolerating the wrongful policies and customs set forth at paragraphs 34, 35, 57, and 58 above.

72. Defendants' violations of Plaintiff's right to be free from seizure and detention without probable cause and without due process of law, use of unnecessary and unreasonable force, and violation of his right to freedom of expression and freedom of assembly and association, also constitute negligence *per se*.

73. Defendants, through their aforesaid acts and omissions, breached each and every one of the aforementioned duties owed to Plaintiff. Defendant CDCR is also vicariously liable for the negligent conduct of those other defendants herein under their respective hiring, control, and supervision, in accordance with the principle of *respondeat superior*.

74. As a direct and proximate result of Defendants' negligence, Plaintiff sustained injuries and damages as described at length in paragraphs 46 through 48 above, and is entitled to relief.

**SIXTH CAUSE OF ACTION**  
(False Imprisonment)  
(All Defendants)

75. Plaintiffs hereby reallege paragraphs 1 through 74 of this complaint, as though set forth fully herein.

76. Defendants knew or should have known that they imprisoned Plaintiff for an appreciable period of time commencing on or about September 12, 2016, without due process and without lawful justification, and in violation of California law and CDCR rules and regulations.

77. Plaintiff did not consent to his unlawful and wrongful re-incarceration.

78. As a direct and proximate result of the unconstitutional actions, omissions, customs, policies practices and procedures of the defendants, Plaintiff wrongfully suffered loss of liberty for at least 277 days without due process and despite having been previously duly and officially and properly released from custody by virtue of having completed his required prison sentence, and Plaintiff as a proximate result suffered injuries as described in paragraphs 46 through 48 above.

**SEVENTH CAUSE OF ACTION**

(Promissory Estoppel)

(All Defendants)

79. Plaintiff hereby realleges paragraphs 1 through 78 of this complaint, as though set forth fully herein.

80. Defendants promised Plaintiff in or about January 2016 that his prison release date would be July 14, 2016, based upon their calculation of his sentencing credits applicable to his amended judgment. This promise was reasonably understood to mean that upon release on July 14, 2016, Plaintiff would be deemed to have served his debt to society and completed his prison incarceration term in accordance with the law, and, assuming successful completion of his post-incarceration parole, was entitled to enjoy his liberty as a citizen of the United States and the State of California without further incarceration for the 2011 2<sup>nd</sup> degree robbery.

81. Plaintiff reasonably and in good faith relied to his detriment on the statements and promises of defendants that he would be released on July 14, 2016 in accordance with California law and CDCR rules and regulations.

82. Plaintiff was in fact officially released from SVSP and CDCR custody on or about July 14, 2016, at which time he was paroled by the CDCR, and assigned a parole officer. Plaintiff then dutifully performed all his parole obligations, including but not limited to timely reporting to his parole officer as requested.

83. Plaintiff reasonably relied in good faith and to his detriment on the actual conduct of defendants in officially releasing him from SVSP on or about July 14, 2016, representing to him that his release was in accordance with California law and CDCR rules and regulations, and that he had served his sentence as required by law after correctly applying all applicable sentencing credits as well as the reduction in the sentence enhancement from 5 years to 4 years. Plaintiff reasonably and in good faith relied to his detriment on defendants' promissory statements and conduct in this regard to reasonably understand and in good faith believe that he had served his debt to society and completed his prison incarceration term in accordance with the law, and, assuming successful completion of his post-incarceration parole, was entitled to enjoy



1 his liberty as a citizen of the United States and the State of California without further incarceration  
2 for the 2011 2<sup>nd</sup> degree robbery.

3           84. Plaintiff did in fact observe and obey all conditions of his post-  
4 incarceration parole as required by the CDCR for as long as he was permitted to do so by  
5 defendants. Following his official release from prison on July 14, 2016, Plaintiff became engaged  
6 to be married, with a wedding date set for October 18, 2016, spent time with his young children,  
7 commenced paid employment, and in all other respects returned to life as a free and productive  
8 citizen, in reliance upon the statements and conduct of defendants in repeatedly advising him that  
9 as of July 14, 2017, he had completed his sentence for the 2011 2<sup>nd</sup> degree robbery.

10           85. However, on or about September 12, 2016, in direct violation of the  
11 promises made to Plaintiff upon which he reasonably and detrimentally relied, armed law  
12 enforcement officers descended on Plaintiff's residence and seized Plaintiff under threat of force  
13 and intimidation, advising him, incorrectly, that he was a prison escapee who they were taking  
14 back to prison to be re-incarcerated under threat of deadly force. Plaintiff was afforded neither  
15 notice nor an opportunity to be heard regarding defendants' assertion that he supposedly had  
16 escaped and/or that he supposedly had not served his required prison sentence and must be  
17 returned to incarceration and life as a convict.

18           86. Plaintiff relied to his detriment on the promises and conduct of defendants  
19 by becoming engaged to be married and undertaking employment and other responsibilities,  
20 which obligations he was unable to fulfill as a result of defendants' subsequent conduct in re-  
21 incarcerating him, without due process, contrary to their previous promises and conduct. In  
22 addition, had defendants not misled Plaintiff and represented to Plaintiff that he would be deemed  
23 to have completed his sentence on or about July 14, 2016, and not released him on that date, then  
24 Plaintiff could have challenged defendants' calculations of his sentence credits and caused  
25 defendants to acknowledge the actual, correct, calculation of his sentence and related credits, and  
26 thereby avoid the severe injuries to himself and his family caused by defendants' subsequent  
27 conduct in seizing and incarcerating him without due process and treating him as an "escaped  
28 prisoner" placed in "the hole" in SQSP and without privileges afforded to inmates of model

1 behavior such as Plaintiff had always been while incarcerated previously for the 2011 2<sup>nd</sup> degree  
2 robbery.

3           87. It was reasonable and foreseeable that Plaintiff would rely on defendants'  
4 promises that he would be released on July 14, 2016 and on their subsequent conduct of officially  
5 releasing him from SVSP on or about July 14, 2016 in accordance with those promises, such that  
6 Plaintiff would reasonably and foreseeably in reliance understand and in good faith believe that he  
7 had served his debt to society and completed his prison incarceration term in accordance with the  
8 law, and, assuming successful completion of his post-incarceration parole, was entitled to enjoy  
9 his liberty as a citizen of the United States and the State of California without further incarceration  
10 for the 2011 2<sup>nd</sup> degree robbery.

11           88. As a direct and proximate result of his reasonable reliance to his detriment  
12 on the promises and conduct of defendants, Plaintiff wrongfully suffered loss of liberty for at least  
13 277 days without due process and despite having been previously duly and officially and properly  
14 released from custody by virtue of having completed his required prison sentence, and Plaintiff as  
15 a proximate result suffered injuries as described in paragraphs 46 through 48 above.

16                           **EIGHTH CAUSE OF ACTION**  
17                                   (Equitable Estoppel)  
  (All Defendants)

18           89. Plaintiff hereby realleges paragraphs 1 through 88 of this complaint, as  
19 though set forth fully herein.

20           90. Defendants told Plaintiff in or about January 2016 that his prison release  
21 date would be July 14, 2016, based upon their calculation of his sentencing credits applicable to  
22 his amended judgment. This statement was reasonably understood to mean that upon release on  
23 July 14, 2016, Plaintiff would be deemed to have served his debt to society and completed his  
24 prison incarceration term in accordance with the law, and, assuming successful completion of his  
25 post-incarceration parole, was entitled to enjoy his liberty as a citizen of the United States and the  
26 State of California without further incarceration for the 2011 2<sup>nd</sup> degree robbery.

27           91. Plaintiff reasonably and in good faith relied to his detriment on the  
28 statements of defendants that he would be released on July 14, 2016 in accordance with California

1 law and CDCR rules and regulations.

2           92. Plaintiff was in fact officially released from SVSP and CDCR custody on  
3 or about July 14, 2016, at which time he was paroled by the CDCR, and assigned a parole officer.  
4 Plaintiff then dutifully performed all his parole obligations, including but not limited to timely  
5 reporting to his parole officer as requested.

6           93. Plaintiff reasonably relied in good faith and to his detriment on the actual  
7 conduct of defendants in officially releasing him from SVSP on or about July 14, 2016,  
8 representing to him that his release was in accordance with California law and CDCR rules and  
9 regulations, and that he had served his sentence as required by law after correctly applying all  
10 applicable sentencing credits as well as the reduction in the sentence enhancement from 5 years to  
11 4 years. Plaintiff reasonably and in good faith relied to his detriment on defendants' promissory  
12 statements and conduct in this regard to reasonably understand and in good faith believe that he  
13 had served his debt to society and completed his prison incarceration term in accordance with the  
14 law, and, assuming successful completion of his post-incarceration parole, was entitled to enjoy  
15 his liberty as a citizen of the United States and the State of California without further incarceration  
16 for the 2011 2<sup>nd</sup> degree robbery.

17           94. Plaintiff did in fact observe and obey all conditions of his post-  
18 incarceration parole as required by the CDCR for as long as he was permitted to do so by  
19 defendants. Following his official release from prison on July 14, 2016, Plaintiff became engaged  
20 to be married, with a wedding date set for October 18, 2016, spent time with his young children,  
21 commenced work, and in all other respects returned to life as a free and productive citizen, in  
22 reliance upon the statements and conduct of defendants in repeatedly advising him that as of July  
23 14, 2017, he had completed his sentence for the 2011 2<sup>nd</sup> degree robbery.

24           95. However, on or about September 12, 2016, in direct violation of the  
25 statements and conduct described above in releasing Plaintiff, upon which he reasonably and  
26 detrimentally relied, armed law enforcement officers descended on Plaintiff's residence and seized  
27 Plaintiff under threat of force and intimidation, advising him, incorrectly, that he was a prison  
28 escapee who they were taking back to prison to be re-incarcerated under threat of deadly force.

1 Plaintiff was afforded neither notice nor an opportunity to be heard regarding defendants'  
2 assertion that he supposedly had escaped and/or that he supposedly had not served his required  
3 prison sentence and must be returned to incarceration and life as a convict.

4           96. Plaintiff relied to his detriment on the statements and conduct of defendants  
5 by becoming engaged to be married and undertaking employment and other responsibilities,  
6 which obligations he was unable to fulfill as a result of defendants' subsequent conduct in re-  
7 incarcerating him, without due process, contrary to their previous promises and conduct. In  
8 addition, had defendants not misled Plaintiff and represented to Plaintiff that he would be deemed  
9 to have completed his sentence on or about July 14, 2016, and not released him on that date, then  
10 Plaintiff could have challenged defendants' calculations of his sentence credits and caused  
11 defendants to acknowledge the actual, correct, calculation of his sentence and related credits, and  
12 thereby avoid the severe injuries to himself and his family caused by defendants' subsequent  
13 conduct in seizing and incarcerating him without due process and treating him as an "escaped  
14 prisoner" placed in "the hole" in SQSP and without privileges afforded to inmates of model  
15 behavior such as Plaintiff had always been while incarcerated previously for the 2011 2<sup>nd</sup> degree  
16 robbery.

17           97. It was reasonable and foreseeable that Plaintiff would rely on defendants'  
18 statements that he would be released on July 14, 2016 and on their subsequent conduct of  
19 officially releasing him from SVSP on or about July 14, 2016 in accordance with those  
20 statements, such that Plaintiff would reasonably and foreseeably in reliance understand and in  
21 good faith believe that he had served his debt to society and completed his prison incarceration  
22 term in accordance with the law, and, assuming successful completion of his post-incarceration  
23 parole, was entitled to enjoy his liberty as a citizen of the United States and the State of California  
24 without further incarceration for the 2011 2<sup>nd</sup> degree robbery.

25           98. As a direct and proximate result of his reasonable reliance to his detriment  
26 on the statements and conduct of defendants, Plaintiff wrongfully suffered loss of liberty for at  
27 least 277 days without due process and despite having been previously duly and officially and  
28 properly released from custody by virtue of having completed his required prison sentence, and



1 Plaintiff as a proximate result suffered injuries as described in paragraphs 46 through 48 above.

2 **NINTH CAUSE OF ACTION**  
 3 (Intentional Infliction of Emotional Distress)  
 4 (All Defendants)

5 99. Plaintiff hereby realleges paragraphs 1 through 98 of this complaint, as  
 6 though set forth fully herein.

7 100. Defendants' conduct in failing to give notice to Plaintiff of their intention  
 8 to re-incarcerate him and by having him labeled as an "escaped prisoner," rather than as a person  
 9 duly and officially released from prison by defendants, was outrageous.

10 101. Defendants in failing to give notice to Plaintiff of their intention to re-  
 11 incarcerate him and by having him labeled as an "escaped prisoner," rather than as a person duly  
 12 and officially released from prison by defendants, acted with reckless disregard of the probability  
 13 that Plaintiff would suffer serious and severe emotional distress as a result of said conduct.

14 102. Defendants in failing to give notice to Plaintiff of their intention to re-  
 15 incarcerate him and by having him labeled as an "escaped prisoner," rather than as a person duly  
 16 and officially released from prison by defendants, proximately caused and was a substantial factor  
 17 in causing Plaintiff to suffer serious and severe emotional distress as a result of said conduct and  
 18 thereby being seized under threat of deadly force on September 12, 2016, thrown in "the hole" at  
 19 SQSP, and being incarcerated for nine months and four days in SVSP as a "C status," meaning as  
 20 an escaped prisoner, and deprived of all privileges, including but not limited to full visitation and  
 21 recreational privileges afforded a prisoner of good conduct, as Plaintiff's had always been during  
 22 the period of his previous incarceration and during his period on parole.

23 WHEREFORE Plaintiff prays for judgment as follows:

- 24 1. For general damages, including to compensate him for loss of liberty,
- 25 motionial distress, pain and suffering, according to proof at the time of trial,
- 26 2. For special damages, including loss of earnings, according to proof at the
- 27 time of trial;
- 28 3. For punitive and exemplary damages as against the individual defendants
- commensurate with the acts complained of herein;

4. For costs of suit and reasonable attorneys' fees;
5. For actual damages, punitive and exemplary damages, a civil penalty of \$25,000, and attorneys fees under California Civil Code §§ 52 and 52.1;
6. For such other and further relief and damages as the Court may deem just and proper.

DATED: July 30, 2018

Respectfully submitted,  
HELBRAUN LAW FIRM



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